

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.14533 of 2021**

Arising Out of PS. Case No.-164 Year-2020 Thana- PALASI District- Araria

Numan @ Md. Numan Alam S/O Late Badruddin R/O Village-Kujari, P.S-  
Palasi, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER**

2      24-01-2022                      Due to the third wave of COVID-19 Pandemic, the  
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection  
with Palasi P.S. case No.164 of 2020 registered under Sections  
341, 323, 307, 379, 504/34 of the Indian Penal Code. Later on,  
Section 302 of I.P.C. has been added.

Prosecution case, in short, is that the accused persons



including the petitioner caught hold of the informant's husband and co-accused Md. Tahir gave iron blow on the head of husband of the informant, due to which he received head injury. Md. Ayas came to save her husband, co-accused Saiyab gave farsa blow on his head and co-accused Suleman assaulted with iron rod and co-accused Warish gave iron rod blow on the head of Mahboob and co-accused Ekram assaulted Altamas with iron rod and petitioner assaulted Shamsul by knife. The injured persons were taken to the Hospital for treatment. During treatment, the husband of the informant succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Specific allegation of assault is against the co-accused, namely, Md. Tahir, who is alleged to have assaulted the deceased. As far as petitioner is concerned, he is alleged to have assaulted one Shamshul. There is no allegation of assault alleged against the petitioner upon the deceased. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have



not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Palasi P.S. case No.164 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the Court concerned in connection  
with the aforesaid case.

**(Sudhir Singh, J)**

Narendra/-

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